

PROB 12C
(6/16)

Report Date: July 13, 2023

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 13, 2023

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Daniel T. Kolle

Case Number: 0980 2:15CR00144-MKD-3

Address of Offender: [REDACTED], Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Mary K. Dimke, U.S. District Judge

Date of Original Sentence: July 21, 2016

Original Offense: Conspiracy to Bank Fraud, 18 U.S.C. §§ 1344 and 1349

Original Sentence: Prison - 162 days; Type of Supervision: Supervised Release
TSR - 36 months

Revocation Sentence: Prison - 3 months
TSR - 33 months
(03/03/2017)

Revocation Sentence: Prison - 21 days
TSR - 56 months
(06/25/2019)

Revocation Sentence: Prison - 6 months
TSR - 50 months
(02/08/2022)

Asst. U.S. Attorney: George J.C. Jacobs, III Date Supervision Commenced: July 22, 2022

Defense Attorney: Carter Liam Powers Beggs Date Supervision Expires: September 21, 2026

PETITIONING THE COURT

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 2/22/2023 and 3/9/2023.

On July 21, 2022, a supervision intake was completed. Daniel Kolle acknowledged an understanding of the conditions imposed by the Court and signed a copy of his judgment.

The probation officer believes that the offender has violated the following condition(s) of supervision:

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<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Special Condition # 26: You must reside in a residential reentry center (RRC) for a period up to 180 days at the direction of the supervising officer. Your participation in the programs offered by the RRC is limited to employment, education, treatment, and religious services at the direction of the supervising officer. The defendant shall abide by the rules and requirements of the facility.

Supporting Evidence: It is alleged that Daniel Kolle violated the terms of his supervised release by failing to abide by the rules of the RRC, on or about July 4, 2023.

On July 4, 2023, the Spokane Police Department contacted the United States probation officer to report they responded to an assault call in which a witness stated Mr. Kolle was seen pushing a female against a car, throwing her on the ground and then dragging her into a house.

The incident report notes that an officer approached the residence where they could hear an argument with a lot of yelling and screaming.

Several officers knocked on the door and announced themselves. They heard a female say "police". The residence went silent. Police knocked and announced their presence again.

The officers had made the determination to force entry, however, as they approached the front door, a female, Mr. Kolle's girlfriend, answered and proceeded to yell at the officer. She eventually exited the residence and was detained given her uncooperative nature. She was questioned about anyone else being in the home. She initially stated the officers needed a warrant to gain access.

The female ultimately became more cooperative and stated her boyfriend, Daniel Kolle, had just arrived home. She advised they were not in an argument. She stated they had gone upstairs to have sex and that she likes to have "rough sex". She noted that sometimes it gets physical.

After several more minutes, Mr. Kolle made himself present and agreed to speak to officers. Mr. Kolle claimed that he and his girlfriend had arrived home from the park a short time ago. He advised his girlfriend likes "rough sex". He advised she was screaming as a result. Probable cause was not established to pursue any charges.

On July 7, 2023, Mr. Kolle made contact with the United States Probation Office. He initially reported he went to the residence to pick up a tool. He then claimed he went to the residence for work-related purposes. He claimed his girlfriend had tripped in a hole in the front yard and was screaming due to foot pain, which prompted a neighbor to call the police.

Mr. Kolle was advised that a police report was obtained and it did not match the information he had provided. He then claimed that he and his girlfriend had "rough sex" and the neighbors called the police. He indicated he was at the residence for work purposes. However, by his own admission, he was not there for an RRC approved pass.

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- 8 **Special Condition # 4:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: It is alleged that Daniel Kolle violated the terms of his supervised release by consuming alcohol, on or about July 7, 2023.

On July 7, 2023, Mr. Kolle submitted to a urinalysis at the RRC. The urine sample was sent to the lab for testing. On July 13, 2023, the RRC provided the probation officer with the lab report, which notes a positive presence for Ethyl Glucuronide and Ethyl Sulfate, consistent with the consumption of alcohol.

- 9 **Special Condition # 26:** You must reside in a residential reentry center (RRC) for a period up to 180 days at the direction of the supervising officer. Your participation in the programs offered by the RRC is limited to employment, education, treatment, and religious services at the direction of the supervising officer. The defendant shall abide by the rules and requirements of the facility.

Supporting Evidence: It is alleged that Daniel Kolle violated the terms of his supervised release by failing to abide by the rules of the RRC, on or about July 13, 2023.

On July 7, 2023, Mr. Kolle submitted to the urinalysis at the RRC. The urine sample was sent to the lab for testing.

On July 13, 2023, the RRC provided the probation officer with the lab report, which notes a positive presence for Ethyl Glucuronide and Ethyl Sulfate, consistent with the consumption of alcohol.

Mr. Kolle is being terminated from the RRC as a result.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/13/2023

s/Melissa Hanson

Melissa Hanson

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other

M. K. Dink 

Signature of Judicial Officer

7/13/2023

Date